

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GARY L. DESROSIERS,	:	
Petitioner,	:	Civ. No. 21-11491 (RBK)
	:	
v.	:	
	:	
RAYMOND ROYCE, et al.,	:	MEMORANDUM & ORDER
Respondents.	:	
	:	

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner's reply brief is currently due on or before February 14, 2022. Presently pending before this Court is Petitioner's request for a stay and abeyance of this action. (Dkt. No. 16). Petitioner requests a stay because his prison facility is on lockdown due to a COVID-19 outbreak. Petitioner states this lockdown prevents him from visiting the law library.

While this Court is certainly sympathetic to Petitioner's plight, this Court is disinclined to grant an opened ended stay of this action. Nevertheless, given the circumstances, Petitioner shall have additional time in which to file his reply brief. If Petitioner is still unable to file his reply brief within the new deadline of March 31, 2022, Petitioner can request an additional extension of time to file his reply brief that this Court will consider.

Additionally, on December 6, 2021, this Court ordered Respondents to file and serve Petitioner's *pro se* brief and accompanying appendix along with his *pro se* reply brief filed with the New Jersey Superior Court, Appellate Division on Petitioner's second PCR petition. (*See* Dkt. No. 12). On December 20, 2021, Respondents indicated they could not locate these documents within their own records but were trying to obtain them from the New Jersey Superior Court, Appellate Division. (*See* Dkt. No. 13). It has now been four weeks since Respondents indicated they were trying to obtain these documents from the Appellate Division.

Accordingly, within seven (7) days of the date of this order, Respondents shall indicate whether that attempt has been successful. If so, Respondent shall file and serve those documents on Petitioner within seven (7) days of the date of this order. If the Appellate Division does not have copies of these documents, then Respondents shall so indicate with this Court within seven (7) days of the date of this order. In such a circumstance, this case shall proceed without those documents being filed given that they are presently unavailable.

Therefore, IT IS on this 18th day of January 2022,

ORDERED that Petitioner's request for a stay and abeyance (Dkt. No. 16) is denied; however, Petitioner shall have until March 31, 2022, in which to file his reply brief in support of his habeas petition; and it is further

ORDERED that within seven (7) days of the date of this order, Respondents shall indicate whether their attempt to obtain copies of Petitioner's *pro se* brief and accompanying appendix along with his *pro se* reply brief filed with the New Jersey Superior Court, Appellate Division on Petitioner's second PCR petition from the Appellate Division was successful; if so, Respondents shall file and serve these documents on Petitioner within seven (7) days of the date of this order; if the Appellate Division does not have these documents, Respondent shall so indicate to this Court within seven (7) days; if this is the case, given that Respondent also does not have these documents pursuant to their December 20, 2021 representation to this Court, then this case shall proceed without these documents being filed and served given they are presently unavailable; and it is further

ORDERED that the Clerk shall serve this order on Petitioner by regular U.S. mail.

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge